

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAI MALENA JIMENEZ-FOGARTY,

Case No.:1:24-CV-08705-JLR

Plaintiff,

-against-

THOMAS FOGARTY, et al.,

Defendants.
_____X

**PLAINTIFF'S MOTION FOR RELIEF DUE TO RETALIATORY ACTIONS BY
DEFENDANT THOMAS FOGARTY**

Plaintiff Sai Malena Jimenez Fogarty, proceeding pro se, hereby moves this Honorable Court for an order addressing the retaliatory actions taken by Defendant Thomas Fogarty subsequent to being served with a subpoena in this case. In support of this motion, Plaintiff asserts the following:

- 1. Introduction:** Plaintiff filed a civil RICO complaint against Defendant Thomas Fogarty and other parties on November 15, 2024. This case involves serious allegations of corruption, bribery, racketeering, financial misconduct, and the unlawful manipulation of custody and assets. After being served with the subpoena for this case, Defendant Thomas Fogarty engaged in retaliatory actions against the Plaintiff and their children.
- 2. Retaliatory Actions by Defendant:** Thomas Fogarty has engaged in a series of vindictive and harmful actions designed to punish and emotionally distress the Plaintiff and their children. Specifically, he has maliciously denied the Plaintiff access to their children during the Thanksgiving holiday, a time meant for family bonding, thereby causing significant emotional pain and distress. Furthermore, he has blatantly ignored court-ordered visitation rights by preventing the Plaintiff from seeing their children on three consecutive Fridays, demonstrating a clear disregard for legal mandates and the well-being of their children. **(See Exhibit 1 – Police Reports)**. Adding to this pattern of retaliation, he has obstructed their daughter's attendance at her best friend's birthday party, an event that had been eagerly anticipated since November 6, 2024, thereby depriving her of a cherished social experience and further exacerbating the emotional distress inflicted on the Plaintiff's family. In addition to these retaliatory actions, ever

since being served the subpoena, Defendant Thomas Fogarty has further escalated his vindictive behavior by sending the children to visitation without warm coats, hats, and in sandals, despite the cold weather conditions. This deliberate disregard for the children's well-being and failure to provide appropriate attire not only endangers their health but also demonstrates Defendant's continued effort to emotionally distress both the Plaintiff and the children.

3. **Retaliatory Actions and Disregard for Children's Well-Being:** On November 26, 2024, the children were sent to parenting time with the Plaintiff in inappropriate attire for the weather, dressed in only sweatshirts and slippers despite the temperature being 30 degrees. On December 3, 2024, Supervisor Sanchez and Supervisor Merosky have explicitly asked Defendant Thomas Fogarty to ensure the children are dressed properly in coats, and shoes, rather than just sweatshirts and slippers, given the cold conditions. Despite agreeing to comply with these instructions, Defendant Thomas Fogarty again failed to produce the children with proper winter outerwear. On December 10, 2024, he sent their son to parenting time with the Plaintiff in open-toe foam sandals, despite the temperature being only 40 degrees and rainy weather. The children were required to walk to the Plaintiff's apartment in the rain, creating a hazardous, slippery condition that posed a serious safety risk. This ongoing pattern of neglect demonstrates a clear and reckless failure to protect the children's health and safety, reflecting a blatant disregard for their well-being and best interests. **(See Exhibit 2 – Refusal to Dress Children in Appropriate Cold Weather Attire)**. In addition, he confiscated the children's electronics, canceled their playdates and other punitive actions, which inflicts unnecessary emotional distress in our children.

4. **FEAR FOR SAFETY:** Since the service of the subpoena on November 18, 2024, Defendant Fogarty has, on two separate occasions, made direct statements expressing his intent to come to my apartment. **(See Exhibit 3 – Defendant Fogarty Wants to Violate Confidential Address Court Order)**. This is a clear and unlawful violation of the confidential address court order issued on April 13, 2022, which specifically mandates that my address remain undisclosed for my personal safety due to the documented history of domestic violence I suffered at the hands of Defendant Fogarty. He is fully aware of the terms of this court order, which prohibits him from coming to my residence under any circumstances. Despite this, Defendant Fogarty has repeatedly stated to the supervisor his intention to come to my apartment, which instills a profound sense of fear and danger in me. Defendant Fogarty is a dangerous man who has no regard for the law and this needs to be on the record in case he harms me. He claims he is an Irish lad and does not follow American law. I am in constant terror for my safety, and I have been forced to take additional security measures, including installing a camera, to protect myself from potential harm. Defendant Fogarty's blatant disregard for the order has exacerbated my

fear and ongoing emotional distress. The severity of this violation necessitates urgent action to prevent further harm. **Thomas Fogarty has threatened to kill me on numerous occasions in the past, and I fear for my life after especially after naming him as defendant in the RICO complaint due to his unlawful actions.** However, his retaliation will not deter me from pursuing justice. Holding him accountable for his retaliatory behavior is crucial to stopping him and preventing further harm against my children and I.

5. **Legal Basis for Relief Under the Sarbanes-Oxley Act (SOX)**, retaliation against individuals for providing truthful information to law enforcement about federal offenses is considered a predicate act under RICO. The relevant provisions in **18 U.S.C. § 1513** address retaliation against witnesses, victims, and informants. **18 U.S.C. § 1964** (RICO Act) includes provisions for equitable relief to prevent further harm and ensure justice. Additionally, the **Fair Labor Standards Act (FLSA)** protects individuals from retaliation for asserting their rights.

6. **Case Studies of Retaliation by Defendant a. Villa v. Highbury Concrete Inc., et al.:** In this case, Thomas Fogarty was among the defendants accused of retaliation. In the Third Amended Class Action Complaint, Vinicio Villa and others brought action against Highbury Concrete Inc., Thomas Fogarty, and others, alleging various labor violations and retaliation. The Court, presided by United States Magistrate Judge Peggy Kuo, granted preliminary approval of a class action settlement, specifically providing compensation for individuals who were retaliated against after becoming plaintiffs in the lawsuit. This included adverse actions such as termination, reduction in work hours, and other forms of employer retaliation.

b. Hosey v. Club Van Cortlandt: The court found that retaliatory eviction constituted state action under the Fourteenth Amendment penalizing a person for the exercise of constitutional rights. Andrew Hosey, a tenant in a residential hotel, was evicted in retaliation for organizing his co-tenants to complain to public officials about health and building code violations. The court ruled that such retaliatory eviction was unconstitutional.

c. Bevins & Son, Inc. v. Department of Labor: In this case, a Vermont court addressed allegations of unlawful retaliation against employees who received back wages after a settlement with the Department of Labor (DOL). The company retaliated against employees who participated in a DOL investigation by terminating them and making disparaging public statements. The court emphasized that such actions could be seen as retaliatory under the Fair Labor Standards Act (FLSA), which protects employees from discrimination for participating in protected activities.

d. Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53 (2006): The U.S. Supreme Court held that the anti-retaliation provisions of Title VII of the Civil Rights Act of 1964 are not limited to actions and harms that take place at the workplace and are related to employment. The court emphasized that any action that might dissuade a reasonable worker from making or supporting a charge of discrimination is considered retaliatory.

e. Thompson v. North American Stainless, LP, 562 U.S. 170 (2011): The Supreme Court ruled that an employer's retaliatory actions against the family members of a worker who filed a discrimination complaint could be actionable under Title VII. This case established that retaliation against close relatives or associates of the complaining employee could discourage individuals from asserting their rights, thereby violating anti-retaliation provisions.

7. Request for Incarceration and Other Relief: Given the severity and repeated nature of these retaliatory actions, Plaintiff respectfully requests that this Court:

- Order the immediate incarceration of Defendant Thomas Fogarty for his retaliatory actions against Plaintiff and her children, as these actions constitute criminal conduct under 18 U.S.C. § 1513.
- Provide any other relief this Court deems just and proper to ensure a fair and impartial proceeding and to protect Plaintiff and her children from further harm.

Conclusion:

For the reasons outlined above, Plaintiff respectfully requests that this Honorable Court grant the relief sought in this motion to address the retaliatory actions taken by Defendant Thomas Fogarty. Defendant's continued misconduct, including his blatant disregard for court orders, his emotional abuse, and the unsafe conditions imposed on the children, not only demonstrates a clear intent to retaliate against Plaintiff for asserting her legal rights but also poses serious risks to the well-being of the children involved. These retaliatory actions have caused significant harm and distress to Plaintiff and her family, violating both legal and ethical standards.

Given the severity and persistence of these actions, Plaintiff respectfully requests that the Court take immediate action to address the Defendant's conduct. Specifically, Plaintiff seeks the incarceration of Defendant Thomas Fogarty for his retaliatory actions, as these acts qualify as criminal conduct under 18 U.S.C. § 1513, and any other relief this Court deems necessary to prevent further harm and ensure a fair and impartial legal proceeding.

Plaintiff seeks to protect her rights and those of her children, ensuring that they are no longer subjected to such retaliatory actions. It is imperative that this Court take swift

action to halt Defendant's actions and ensure the safety and well-being of the children, the fair progression of this case, and the integrity of the judicial process.

I affirm this 9th day of December 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Respectfully submitted,

Lai Malena Jimenez Fegarty

1



Orangetown Police Department

Incident #: 24OT37868

Reporting Officer: PO Makara, J #218

Report Time: 11/22/2024 17:03:07

Incident

Incident Nature
Domestic Disturbance

Address

[REDACTED]

Occurred From

11/22/2024 16:30:00

Occurred To
11/22/2024 20:30:00

BLAUVELT, NEW YORK 10913

Received By
PO Makara, J #218

How Received
Telephone

Contact

Disposition
Closed by Investigation

Disposition Date
11/22/2024

Case Status

Judicial Status

Cleared Date

Clearance
Report Required

Cargo Theft Related

Responding Officer(s)
PO Makara, J #218

Persons

JIMENEZ-FOGARTY, SAI M
Person Interviewed

Address

Phone

DOB

BLAUVELT NEW YORK 10913

Race
White

Sex
Female

Ethnicity
Hispanic

Height

Weight
0

FOGARTY, THOMAS A
Person Interviewed

Address

Phone

DOR

BLAUVELT NEW YORK 10913

Race

Sex

Ethnicity

White

Male

Unknown

Height

Weight

5'08"

180

Narratives

Original Narrative

11/22/2024 20:09:22

See DIR

**Supplemental
Narrative**

11/22/2024 20:32:17 PO Makara, J #218

CAD Call info/comments

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20:05:42 11/22/24 - Makara, J

FEMALE STATES HER EX HUSBAND DIDNT ARRIVE AT OPD HQ TO DROP OFF CHILDREN AS PER FAMILY COURT ORDER

Incident	Agency: Orangetown Police Department		A		New York State DOMESTIC INCIDENT REPORT		ORI: NY0435200		Incident # 24OT37868		
	Reported Date (MM/DD/YYYY) 11/22/2024		Time (24 hours) 17:03		Occurred Date (MM/DD/YYYY) 11/22/2024		Time (24 hours) 16:30		<input type="checkbox"/> Officer Initiated <input type="checkbox"/> Radio Run <input type="checkbox"/> Walk-in <input type="checkbox"/> ICAD (NYC)		
Address (Street No., Street Name, Bldg. No., Apt No.)							City, State, Zip BLAUVELT, NY, 10913				
Victim (P1)	Name (Last, First, M.I.) (Include Aliases) JIMENEZ-FOGARTY, SAI M						DOB (MM/DD/YYYY)		Age: 49		<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Street Name, Bldg. No., Apt No.)								Language:		
City, State, Zip BLAUVELT, NY, 10913							<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic <input type="checkbox"/> Unknown		
How can we safely contact you? (i.e. Name, Phone, Email)									<input type="checkbox"/> Other Identifier:		
Suspect (P2)	Name (Last, First, M.I.) (Include Aliases) FOGARTY, THOMAS A						DOB (MM/DD/YYYY)		Age: 51		<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Address (Street No., Street Name, Bldg. No., Apt No.)								Language:		
City, State, Zip BLAUVELT, NY, 10913							<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic <input checked="" type="checkbox"/> Unknown		
Do suspect and victim live together? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect/P2 present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes describe:		Possible drug or alcohol use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole		<input type="checkbox"/> Not Supervised <input checked="" type="checkbox"/> Status Unknown	
Suspect (P2) Relationship to Victim (P1) <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input checked="" type="checkbox"/> Formerly Married <input type="checkbox"/> Former Intimate Partner <input type="checkbox"/> Parent of Victim (P1) <input type="checkbox"/> Child of Victim <input type="checkbox"/> Relative: <input type="checkbox"/> Other:							Do the suspect and victim have a child in common? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Victim Interview	Emotional condition of VICTIM? <input checked="" type="checkbox"/> Upset <input type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:										
	What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident? I was supposed to be given my children at 4:30 for my court order visitation and they are not here yet.										
	Did suspect make victim fearful? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:										
	Weapon Used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Gun: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other, describe:						Suspect Threats? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Threats to: <input type="checkbox"/> Victim <input type="checkbox"/> Child(ren) <input type="checkbox"/> Pet <input type="checkbox"/> Commit Suicide <input type="checkbox"/> Other Describe:				
	Access to Guns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:										
Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:						Strangulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Urination/Defecation					
In Pain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:						<input type="checkbox"/> Red eyes/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallowing Visible Marks? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:					
Suspect	What did the SUSPECT say (Before and After Arrest): No contact made with party at time of report										
	710.30 completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
Witnesses											
	Child/Witness (2) Name (Last, First, M.I.) DOB: Child/Witness(2) Address (Street No., Name, Bldg./Apt) City, State, Zip Phone:										
Incident Narrative	Briefly describe the circumstances of this incident: At above D/T P1 entered OPD to report that she has a Rockland County Family Court order that states her ex-husband (P2) has to bring their 2 children (NI1 & NI2) to OPD HQ for child visitation at 1630 hrs and she has the children until 2030 hrs. P1 waited in the lobby until approx 1700 hrs and P2 was still not at location.										
	DIR Repository checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Order of Protection Registry checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Order of Protection in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refrain <input type="checkbox"/> Stay Away										
Evidence	Evidence Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury <input type="checkbox"/> Other:		Other Evidence: <input type="checkbox"/> Damaged Property <input type="checkbox"/> Videos <input type="checkbox"/> Electronic Evidence <input type="checkbox"/> Other:		Destruction of Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, Describe:				
	Offense Committed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, explain:		Offense 1		Law (e.g. PL)		Offense 2		
								Law (e.g. PL)			



Orangetown Police Department

Incident #: 24OT38605

Reporting Officer: PO Mante, M #288

Report Time: 11/29/2024 17:24:59

Incident

Incident Nature
Domestic Disturbance

Address
26 ORANGEBURG RD;
ORANGETOWN TOWN HALL
ORANGEBURG, NEW
YORK 10962

Occurred From
11/29/2024 17:24:59

Occurred To
11/29/2024 17:25:53

Received By
PO Mante, M #288

How Received
Walk In

Contact

Disposition
Closed by Investigation

Disposition Date
11/29/2024

Case Status

Judicial Status

Cleared Date

Clearance
Report Required

Cargo Theft Related

Responding Officer(s)
PO Mante, M #288

Persons

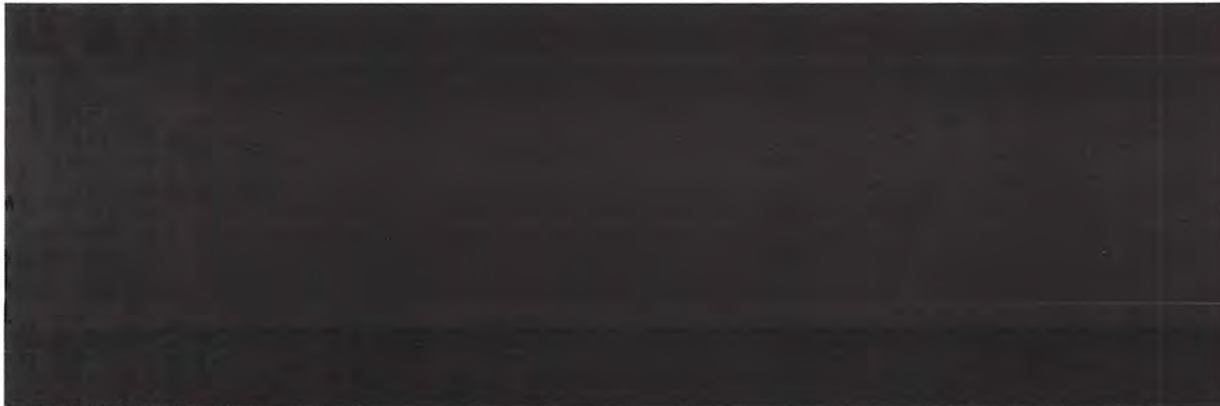
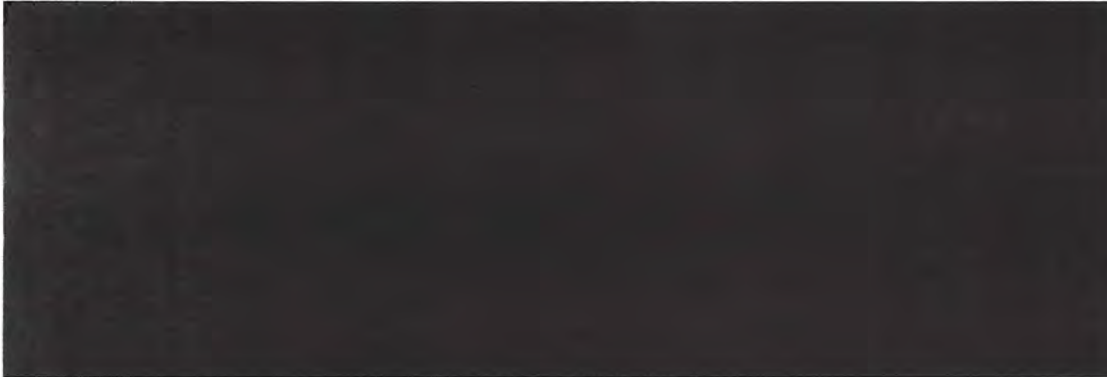
JIMENEZ-FOGARTY, SAI M
Complainant

Address	Phone	DOR
BLAUVELT NEW YORK 10913		
Race White	Sex Female	Ethnicity Hispanic
Height	Weight 0	

FOGARTY, THOMAS A
Not Interviewed

Address Phone DOB

Race Sex Ethnicity
White Male Unknown
Height Weight
5'08" 180



Narratives

Original Narrative

11/29/2024 17:30:29

See DIR.

**Supplemental
Narrative**

11/29/2024 17:28:11 PO Mante, M #288

CAD Call info/comments

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Incident	Agency: Orangetown Police Department		A		New York State DOMESTIC INCIDENT REPORT		ORI: NY0435200		Incident # 24OT38605		
	Reported Date (MM/DD/YYYY) 11/29/2024	Time (24 hours) 17:24	Occurred Date (MM/DD/YYYY) 11/29/2024	Time (24 hours) 17:24	<input type="checkbox"/> Officer Initiated <input type="checkbox"/> ICAD (NYC)		<input type="checkbox"/> Radio Run <input checked="" type="checkbox"/> Walk-in		Complaint # 24OT38605		
Address (Street No., Street Name, Bldg. No., Apt No.) 26 ORANGEBURG RD; ORANGETOWN TOWN HALL							City, State, Zip ORANGEBURG, NY, 10962				
Victim (P1)	Name (Last, First, M.I.) (Include Aliases) JIMENEZ-FOGARTY, SAI M						DOB (MM/DD/YYYY) [REDACTED]		Age: 49		<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Address (Street No., Street Name, Bldg. No., Apt No.) [REDACTED]						City, State, Zip BLAUVELT, NY, 10913		Language: [REDACTED]		<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other
Suspect (P2)	Name (Last, First, M.I.) (Include Aliases) FOGARTY, THOMAS A						DOB (MM/DD/YYYY) [REDACTED]		Age: 51		<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male <input type="checkbox"/> Self-Identified:
	Address (Street No., Street Name, Bldg. No., Apt No.) [REDACTED]						City, State, Zip BLAUVELT, NY, 10913		Language: [REDACTED]		<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other
Do suspect and victim live together? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect/P2 present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes describe:		Possible drug or alcohol use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole <input checked="" type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown			
Suspect (P2) Relationship to Victim (P1) <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input checked="" type="checkbox"/> Formerly Married <input type="checkbox"/> Former Intimate Partner <input type="checkbox"/> Parent of Victim (P1) <input type="checkbox"/> Child of Victim <input type="checkbox"/> Relative: <input type="checkbox"/> Other:										Do the suspect and victim have a child in common? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Emotional condition of VICTIM? <input type="checkbox"/> Upset <input type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input checked="" type="checkbox"/> Other: Calm											
What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident? I was supposed to be given my children today at 4:30PM.											
Did suspect make victim fearful? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:											
Weapon Used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Gun: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other, describe:								Suspect Threats? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Threats to: <input type="checkbox"/> Victim <input type="checkbox"/> Child(ren) <input type="checkbox"/> Pet <input type="checkbox"/> Commit Suicide <input type="checkbox"/> Other Describe:			
Access to Guns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:											
Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:								Strangulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Urination/Defecation <input type="checkbox"/> Red eyes/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallowing			
In Pain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:								Visible Marks? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
What did the SUSPECT say (Before and After Arrest): No arrest made.											
710.30 completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
Child/Witness (1) Name (Last, First, M.I.) DOB: Child/Witness(1) Address (Street No., Name, Bldg./Apt) City, State, Zip Phone:											
[REDACTED]											
[REDACTED]											
Briefly describe the circumstances of this incident: Sai Jimenez-Fogarty (P1) states that her and her ex-husband, Thomas Fogarty (P2), have a Rockland County Family Court order that states (P2) has to bring their children, (NI1) and (NI2), to OPD HQ for visitation with (P1) at 1600hrs on Fridays. (P1) states she waited until approximately 1730hrs and (P2) did not show. (P1) states the same thing happened last Friday 11/22 (24OT37868) and on multiple other occasions where (P2) was late or did not show. (P1) did not have a copy of the order available at this time and wished to have the incident documented for her records.											
DIR Repository checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Order of Protection Registry checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Order of Protection in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refrain <input type="checkbox"/> Stay Away											
Evidence Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury <input type="checkbox"/> Other:		Other Evidence: <input type="checkbox"/> Damaged Property <input type="checkbox"/> Videos <input type="checkbox"/> Electronic Evidence <input type="checkbox"/> Other:		Destruction of Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, Describe:					
Offense Committed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, explain: No offense committed.		Offense 1		Law (e.g. PL)		Offense 2		Law (e.g. PL)	

2



Ms. Merosky



Yesterday • 7:47 PM

Hello Mr. Fogarty, this is Andrea, the supervisor from RYE. We just finished our visit and it is raining and cold out. I'm going to request again that the children are dressed properly.

Today, Patrick was wearing open toed sandals, which are not appropriate for December inclement weather. thank you again for your attention to this matter that we agreed on.



Ms. Merosky



Yesterday • 9:33 PM

Hi Andrea, I disagree that Patrick was dressed inappropriately. If the kids have walk a distance in the rain and cold to accommodate the mother then the visit will have to be in an appropriate location. I will contact Rye tomorrow and let them know my concerns.

Have a good night.

Mr. Fogarty, you and I agreed that they would be wearing appropriate clothes if you think that open toe sandals in December is appropriate then so be it. I was just pointing out that it is cold, wet and rainy today and that he should not have worn open toed sandals. You too have a good night

3

+1 646 933 57
Today 5:03 PM

Hello Mr. Fogarty, this is Andrea the supervisor for tonight's visit. I had asked Kristin if it was OK that I ride in Malena's car with the children to her unit and because of insurance purposes I am not allowed in her car either. hence the children and I will need to walk with me to Malena's unit and it is quite a walk and quite cold out , so please make sure they are bundled warm with coats/jackets and boots and not just sweatshirts and slippers. Thank you.

Why don't I meet you at her unit then ?

Not allowed

Delivered

NYSCEF DOC. NO. 201
File#: 721 (O-00125-21)



GF-21 (9/2012)

DRL §§76-h (5), 254; Exec. L. §108; FCA §§ 154-b; 818;
1015
SUPREME CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

In the Matter of an Article 8 Family Offense Proceeding

File #: 721
Docket #: O-00125-21

Sai M. Jimenez Fogarty (Petitioner)

Thomas Fogarty (Respondent)

ADDRESS CONFIDENTIALITY
AFFIDAVIT

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

I, Sai M. Jimenez Fogarty, am requesting address confidentiality because:

Disclosure of my address would pose an unreasonable risk to my health or safety or my child(ren)'s health or safety.

I designate the following person as the agent for service of process and all papers in this case:

Attorney: Robert S. Sunshine
1 Blue Hill Plz FL 3rd
Pearl River, NY 10965-3104

I agree to inform the person named above as the agent for service of process or, if applicable, the NYS Department of State promptly of any change in my address.

Date:

Sai M. Jimenez Fogarty
Robert S. Sunshine
1 Blue Hill Plz FL 3rd
Pearl River, NY 10965-3104

Sworn to before me this 12th
day of April, 2022

(Deputy) Clerk of the Court
Notary Public

DRL §§76-h(5), 254;
FCA §§154-b; 818; 1015

GF21a 8/2010

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND**

In the Matter of a Family Offense Proceeding

File #: 721
Docket #: O-00125-21

Sai Malena Jimenez Fogarty,

Petitioner,

- against -

ADDRESS
CONFIDENTIALITY ORDER

Thomas Fogarty,

Respondent.

An affidavit having been filed in this Court requesting that a party or child(ren)'s address(es) and/or other identifying information not be disclosed,

NOW, it is hereby

ORDERED, that the present and all future address(es) and/or other identifying information of Sai Malena Jimenez Fogarty not be disclosed in any pleading, document, or proceeding in this Court; and it is further

ORDERED, that the following person is designated as the agent for service of process and papers in this case: Attorney Robert Scott Sunshine, 1 Blue Hill Plz FL 3rd, Pearl River, NY 10965.

ORDERED, that Sai Malena Jimenez Fogarty must inform the above-named agent for service of process and papers of all changes of address.

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: April 15, 2022

ENTER

Hon. Sherri L. Eisenpress, AJSC



NYSCEF Confirmation Notice

Rockland County Supreme Court

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035547/2021

Thomas Fogarty v. Sai M Jimenez
Assigned Judge: Thomas P. Zugibe

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